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based on the recognition, for conducting the transaction based on the transaction information.

37. The system of Claim 36, wherein the transaction information comprises a transaction amount and an account number;

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wherein the SCP is operative to code the transaction amount into a field of the billing message and the account number into another field of the billing message; and

wherein the billing system is operative to decode the transaction amount from the field of the billing message and account number from the another field, and to credit or debit an account associated with the account number by the transaction amount.

REMARKS

Reconsideration of this application is respectfully requested. Claims 6, 15, and 17 have not been changed. Claims 1-5, 7, 10-14, and 16-34 have been amended with respect to matters of form, not substance. These claims have not been amended to overcome any rejections based on cited art. Claims 8-9 have been cancelled. New Claims 35-37 have been added.

The previous two Office Actions erroneously rejected all of the claims for alleged obviousness over *Morrill, Jr.*, United States Patent No. 5,991,749. The Office Actions acknowledged *Morrill, Jr.* does not teach the use of the claimed methods in an advanced intelligent network (AIN), but the Office Actions alleged it would have been obvious to utilize *Morrill, Jr.* in the AIN.

The rejections are respectfully traversed. The Office Actions fail to establish a *prima facie* case of obviousness. *Morrill, Jr.* combined with the AIN does not result in the claimed inventions, and thus, the combination does not teach each and every element of the claimed invention. Moreover, the Office Actions do not describe any basis for combining *Morrill, Jr.* and the AIN. Neither *Morrill, Jr.* nor the AIN suggest the combination. Thus, the combination is inappropriate.

Summary of Exemplary Claimed Inventions

Inventive uses of a conventional billing message allow a caller to conduct a transaction using the telecommunications system. Previously, a user generally could not use the telecommunications system except for conventional services. For example, a parent could not “buy a \$50 credit” to be applied to a college-age son’s or daughter’s telephone bill and to be charged as a \$50 debit to the parent’s telephone bill. One of the reasons such a transaction could not be conducted is because there was no means of communication between the user and the billing system of the telecommunications system. Without a means of communication, the user could not pass on the details of the desired transaction, and the billing system could not carry out the transaction.

The problem of the lack of communication between the user and the billing system is solved by the exemplary claimed inventions inclusion of transaction information in a billing message. In exemplary embodiments, the billing message may be posted to or obtained by the billing system from the telecommunications system.

In sum, the exemplary claimed inventions use conventional billing messages in an unconventional manner to effect a transfer of information and conduct a transaction.

Morrill, Jr., United States Patent No. 5,991,749

Morrill, Jr. describes “methods of using a cellular phone or other wireless communication device to transfer funds between accounts, collect tolls and authorize other activities.” *Morrill, Jr.*, col. 1, lines 14-17. Per *Morrill, Jr.*, a service provider’s central processing unit (CPU) is expanded to include account and authorization information. To conduct a transaction, a user enters a function code on the keypad of the cellular phone and sends the function code to the CPU. The CPU identifies the desired transaction and obtains authorization. The CPU determines the accounts involved in the transaction, and confirms completion of the transaction.

Morrill, Jr. describes the way the cellular phone communicates with the CPU only as follows: “Communication takes place between the cellular phone and the mobile telephone service provider’s cell antenna and thence via land line to a CPU.” *Morrill, Jr.*, col. 2, lines 29-31.

Independent Claims 1 and 34

Claims 1 and 34 are directed to methods for conducting a transaction. Both claims refer to actions involving a billing message to carry transaction information from the user to the billing system. In particular, both claims refer to the action of causing a service control point (SCP) including the account number, the transaction amount, and the calling line number in a billing message. Both claims also refer to the action of causing the billing system to retrieve the billing message, and to note the assignment of the transaction information to the billing message. Further, based on the assignment of the transaction information to the billing message, both claims include the action of causing the billing system to conduct the transaction.

Morrill, Jr. fails to include at least any of the actions referenced in the previous paragraph. *Morrill, Jr.* fails to cause transaction information to be included in a billing message. *Morrill, Jr.* also fails to cause a billing system to retrieve a billing message and to note the assignment of the transaction information to the billing message. Further, *Morrill, Jr.* fails to include the action of causing the billing system to conduct the transaction based on the assignment of the transaction information to the billing message. Thus, *Morrill, Jr.* fails to teach or suggest the claimed inventions.

The Office Actions erroneously find the claimed subject matter to be obvious based on *Morrill, Jr.* as used in the AIN. The finding of the Office Actions is erroneous because even if *Morrill, Jr.* and the AIN are combined, the result does not teach, nor suggest the claimed inventions. Further, *Morrill, Jr.* and AIN do not include any suggestions or teachings for their combination.

The Combination of *Morrill, Jr.* and the AIN Does Not Result in the Claimed Inventions

Morrill, Jr.'s only description of the manner of communication between the cellular phone and the CPU is the following statement: "Communication takes place between the cellular phone and the mobile telephone service provider's cell antenna and thence via land line to a CPU." *Morrill, Jr.*, col. 2, lines 29-31. Thus, *Morrill, Jr.* only states that communication takes place between the cellular phone and CPU. *Morrill, Jr.* does not explain HOW that communication takes place. There is no teaching nor suggestion in *Morrill, Jr.* as to HOW the transaction information is communicated to or exchanged between the cellular phone and the device that carries out the transaction.

The Office Actions refer to the AIN, and to the alleged obviousness of using *Morrill, Jr.* in the AIN. But even if *Morrill, Jr.* were combined with the AIN, the combination does not result in the claimed inventions. Neither *Morrill, Jr.* nor the AIN provide information on HOW *Morrill, Jr.*'s teachings could be combined with the AIN so as to provide for an exchange of information between a user and the device that carries out transactions.

Particularly, *Morrill, Jr.* does not offer any explanation of HOW transaction information is communicated to or exchanged between a user and the device that carries out the transaction in a cellular system. *Morrill, Jr.* does not offer any explanation nor suggestion of HOW such transaction information would be communicated or exchanged in the AIN.

The AIN does not supply the missing information of HOW transaction information would be communicated or exchanged. In fact, a user is unable to communicate with or exchange information with a system such as a billing system connected to the AIN. The Office Action refers to the SS7 (signaling system 7) protocol, but this protocol is used among the elements of the AIN. The SS7 protocol is not used in communications with users.

In sum, neither *Morrill, Jr.* nor the AIN teaches nor suggests HOW transaction information may be communicated or exchanged between a user and a device that

carries out the transaction. Claims 1 and 34 include at least three actions that relate to the communication of transaction information from a user to a billing system. Thus, even if *Morrill, Jr.* is combined with the AIN, the combination fails to teach each and every element of the claimed inventions, and the combination fails as the basis of rejection.

There Is No Motivation to Combine *Morrill, Jr.* and the AIN

Another reason the rejection fails is that there is no motivation nor suggestion in either *Morrill, Jr.* or the AIN to combine the respective teachings into the claimed inventions. The Office Action does not point to any motivations or suggestions in either *Morrill, Jr.* or the AIN. Further, the Office Action does not explain any basis for the combination of *Morrill, Jr.* and the AIN.

There is no motivation nor suggestion for combining *Morrill, Jr.* with the AIN. *Morrill, Jr.* relates to cellular systems, and the AIN generally relates to landline systems. Another reason for the lack of motivation for the combination is that such combination does not lead to an operative result. *Morrill, Jr.* refers to the exchange of transaction information between a user and a CPU. Except as provided by the claimed inventions, the AIN does not allow for the exchange of transaction information between a user and a device that might carry out such a transaction. *Morrill, Jr.* does not teach nor suggest how the exchange of necessary information may be carried out in any telecommunications system – wireless or landline. Thus, there is no motivation nor suggestion to the combine the subject matters of *Morrill, Jr.* and the AIN.

Independent Claims 10, 18, and 26

The rejection of the other original independent claims (Claims 10, 18, and 26) is traversed for the same reasons generally as explained above in connection with independent Claims 1 and 34. In sum, even if *Morrill, Jr.* and the AIN are combined, the result does not teach, nor suggest the claimed inventions. Further, *Morrill, Jr.* and AIN do not include any suggestions or teachings for their combination.

With respect to each of the originally filed independent Claims 10, 18, and 26, an enumeration is provided below of the principal actions not taught nor suggested by *Morrill, Jr.*, or by *Morrill, Jr.* in combination with the AIN.

Claim 10 includes the action of creating a billing message to include transaction information relating to the transaction desired by the user. The transaction information includes the account number, the transaction amount, and the calling line number. Further, Claim 10 provides, from the billing message, the further action of executing a transaction by using the account number and the transaction amount.

Claim 18 includes the action of determining that a billing message includes an indication that a transaction is to be conducted with respect to a telecommunications account in the system. In addition, Claim 18 provides, that in response to the determination, the action of conducting the transaction with respect to the telecommunications account.

Claim 26 includes the action of including an indication for the execution of a transaction in a billing message. The billing system recognizes the indication in the billing message. In response to the recognition, the billing system executes the transaction.

Erroneous Rejection of the Originally Filed Dependent Claims

In addition to the originally filed independent claims, the originally filed dependent claims also have been erroneously rejected. In the interest of brevity, a specific rebuttal of each rejection of an independent claim is not provided here. Each dependent claim is patentably distinct, and further, each dependent claim is allowable as dependant upon an allowable independent claim.

RESPONSE TO SECOND OFFICE ACTION'S RESPONSE TO ARGUMENTS

Lack of Support for Rejections

The lack of support for the rejection of all of the original claims except Claim 1 is reiterated. It is acknowledged the Office Action states: "Consider claims 1-3, 8-

10, 12-13, 18-21, 26-29, 34". Claim 1, however, is the only claim discussed in the paragraph following the cited statement. The scope of the other claims is different from Claim 1. Thus, an explanation of the basis of the (erroneous) rejection of Claim 1 does not suffice as an explanation of the rejection of the other claims.

Cited Features Are Included in Some of the Claims

In response to the first Office Action, a statement was made that the references fail to show certain features of the claimed inventions. The second Office Action notes that "the features ...(i.e., the billing system...) are not recited in the rejected claim(s)." As a further response, the Examiner's attention is drawn to at least independent Claims 1 and 34. Each of these claims includes an action including a billing system.

Differences Between the Claimed Invention and *Morrill, Jr.*

The second Office Action states: "In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art." The Examiner's attention is drawn to the elucidation of manipulative differences described above that demonstrate the patentability of the claimed inventions even in light of the erroneous combination of *Morrill, Jr.* and the AIN.

The Billing System Does Not Compare to the CPU

The Office Actions erroneously find the claimed billing system and its actions are "met by the CPU (column 2 line 60 to column 3 line 36)." Office Action mailed April 10, 2001, p. 2, paragraph 2. This finding is traversed for the reasons, explained in detail above, that *Morrill, Jr.*'s CPU does not fulfill the actions spelled out by the claims.

CONCLUSION

The rejections of the previous two Office Actions have been traversed by the preceding demonstration that *Morrill, Jr.*, or that *Morrill, Jr.* combined with the AIN fails to teach or suggest the subject matter of the claims of this application. The Examiner is invited to contact the undersigned at the Examiner's convenience should the Examiner believe it would facilitate prosecution of this application. The Examiner is thanked for consideration of this application.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) In a telecommunications system functionally interconnecting a service switching point, a service control point, and an intelligent network element, and the telecommunications system including a billing system functionally connected at least to the service control point for retrieval of billing messages, the billing system including telecommunications accounts for charging fees to subscribers with respect to telecommunications services provided to the subscribers, a method for using a communication to conduct a transaction with respect to a telecommunications account, comprising:

[A.] receiving the communication at the service switching point, the communication being associated with a calling line number;

[B.] causing the service switching point to route the communication to the intelligent network element;

[C.] causing the intelligent network element to obtain a telecommunications account number and a transaction amount from the communication,

the telecommunications account number corresponding to the telecommunications account with respect to which the transaction is to be conducted in the billing system;

[D.] in response to obtaining the telecommunications account number and the transaction amount, causing the intelligent network element to provide the telecommunications account number, the transaction amount, and the calling line number associated with the communication to the service control point;

[E.] in response to receipt of the telecommunications account number, the transaction amount, and the calling line number, causing the service control point to make an assignment of the telecommunications account number, the transaction amount, and the calling line number [available] to a billing message [to the billing system]; and

[F.] causing the billing system to retrieve the billing message from the service control point.

[i.] to [obtain] note the assignment of the telecommunications account number, the transaction amount, and the calling line number to the billing message, and

[ii.] based on the assignment, to conduct the transaction in the billing system with respect to the telecommunications account associated with the telecommunications account number by crediting or debiting the telecommunications account by at least the transaction amount[,

whereby the transaction is conducted by the billing system by using the telecommunications account number and the transaction amount provided by the communication and made available to the billing system by the intelligent network element and the service control point in order to credit the telecommunications account corresponding to the telecommunications account number in the billing system by at least the transaction amount].

2. (Amended) The method of Claim 1, wherein the transaction amount comprises a number of units or a dollar amount; and

wherein [action F comprises causing] the billing system [to conduct] conducts the transaction by crediting or debiting the telecommunications account by at least the number of units or by at least the dollar amount.

3. (Amended) The method of Claim 1, wherein the telecommunications account number comprises a different account number from a calling line number account corresponding to the calling line number associated with the communication [is] received at the service switching point; and

wherein [action F further comprises causing] the billing system [to conduct] conducts the transaction in the billing system by crediting or debiting the calling line number account by at least the transaction amount.

4. (Amended) The method of Claim 1, wherein prior to causing the service control point to make the assignment of the telecommunications account

number, the transaction amount, and the calling line number [available to the billing system], the method further comprises causing the service control point to carry out a validation whose result comprises a determination that the calling line number is authorized with respect to conduct of the transaction.

5. (Amended) The method of Claim 4, wherein [action C comprises causing] the intelligent network element [to obtain] obtains a personal identification number (PIN) from the communication, and wherein the validation comprises comparing the PIN for correspondence to a stored PIN associated with the calling line number.

No change to Claim 6.

7. (Amended) The method of Claim 1, further comprising:
[G.] causing the service control point to provide a confirmation regarding the conduct of the transaction to the intelligent network element; and
[H.] in response to receipt of the confirmation, causing the intelligent network element to provide an announcement to the communication.

Cancel Claims 8 – 9.

10. (Amended) A method for [using a communication in a telecommunications network to execute] executing a transaction with respect to an account, comprising:

[A.] receiving a communication on a calling line associated with a calling line number;

[B.] obtaining an account number and a transaction amount from the communication, the account number corresponding to an account with respect to which a transaction is to be conducted, the account differing from a calling line number account associated with the calling line number;

[C.] creating a billing message with respect to the calling line number, the billing message including the account number, the transaction amount, and the calling line number; and

[D.] using the account number and the transaction amount from the billing message to execute the transaction with respect to the account corresponding to the account number.

11. (Amended) The method of Claim 10, wherein the communication is directed to a special access code[]; and

wherein actions B - D are responsive to the communication being directed to the special access code].

12. (Amended) The method of Claim 10, wherein the transaction amount comprises a number of units or a dollar amount; and

wherein [action D comprises using] the account number, and the number of units or the dollar amount, are used to execute the transaction by crediting the account by at least the number of units or by at least the dollar amount and by debiting the calling line number account by at least the number of units or by at least the dollar amount.

13. (Amended) The method of Claim 10, further comprising:

[E.] charging the calling number line account associated with the calling line number a fee for the transaction.

14. (Amended) The method of Claim 10, further comprising:

[E.] providing the communication with an announcement regarding the transaction.

No change to Claim 15.

16. (Amended) The method of Claim 15, wherein the validation comprises[:

i.] obtaining a personal identification number (PIN) from the communication, and

[ii.] checking that the PIN corresponds to a stored PIN associated with the calling line number.

No change to Claim 17.

18. (Amended) In a system for billing fees to subscribers for provision of telecommunications services, each subscriber having a telecommunications account in the system, the telecommunications account being associated with at least one calling line number, a method to conduct a transaction with respect to a telecommunications account in the system, comprising:

[A.] obtaining a billing message generated as a result of a telecommunications service performed with respect to a calling line number;

[B.] in response to obtaining of the billing message, making a determination that the billing message includes an indication that a transaction is to be conducted with respect to a telecommunications account in the system; and

[C.] in response to the determination, conducting the transaction with respect to the telecommunications account.

19. (Amended) The method of Claim 18, wherein [action C comprises] conducting the transaction with respect to the telecommunications account [by] comprises crediting the telecommunications account by at least a number of units or a dollar amount, and/or debiting a different telecommunications account by at least the number of units and/or by at least the dollar amount, the different telecommunications account being associated with the calling line number receiving the telecommunications service that generated the billing message.

20. (Amended) The method of Claim 18, wherein the indication comprises transaction information; and

wherein [action C comprises] conducting the transaction comprises using the transaction information with respect to the telecommunications account.

21. (Amended) The method of Claim 20, wherein the transaction information comprises a number of units and/or a dollar amount; and

wherein [action C comprises] conducting the transaction comprises using the number of units and/or the dollar amount with respect to the telecommunications account.

22. (Amended) The method of Claim 18, further comprising:

[D.] generating an invoice for the telecommunications account, the invoice indicating conduct of the transaction with respect to the telecommunications account.

23. (Amended) The method of Claim 22, wherein the invoice further indicates a message [with respect] relating to the transaction conducted with respect to the telecommunications account.

24. (Amended) The method of Claim 22, further comprising:

[E.] generating a different invoice for the different telecommunications account, the different invoice indicating the conduct of the transaction with respect to the telecommunications account.

25. (Amended) The method of Claim 24, wherein the different invoice further indicates a different message [with respect] relating to the transaction conducted with respect to the telecommunications account.

26. (Amended) In a telecommunications system wherein a billing message is created with respect to a communication, wherein the billing message is further created with respect to a calling line number account corresponding to a calling line number associated with the communication, and wherein the billing message is obtained by a billing system having access to the calling line number account and to other accounts, a method for execution of a transaction in the billing system between the calling line number account and one of the other accounts to which the billing system has access, comprising:

[A.] providing that the billing message includes an indication for the execution of the transaction,

[B.] causing the billing system to make a recognition of the indication in the billing message; and

[C.] in response to the indication in the billing message, causing the billing system to execute the transaction between the calling line number account and the one of the other accounts.

27. (Amended) The method of Claim 26, wherein [action C comprises] causing the billing system to execute the transaction [by] comprises crediting the one of the other accounts by at least a number of units or a dollar amount, and/or debiting the calling line number account by at least the number of units and/or by at least the dollar amount.

28. (Amended) The method of Claim 27, wherein [action C comprises] causing the billing system to execute the transaction [by] comprises debiting the calling line number account by a service fee for the transaction.

29. (Amended) The method of Claim 26, wherein the indication comprises transaction information; and

wherein [action C comprises causing] the billing system [to execute] executes the transaction between the calling line number account and the one of the other accounts by using the transaction information.

30. (Amended) The method of Claim 26, further comprising:

[D.] causing the billing system to generate an invoice for the one of the other accounts, the invoice indicating execution of the transaction with respect to the one of the other accounts.

31. (Amended) The method of Claim 30, wherein the invoice further indicates a message [with respect] relating to the transaction conducted with respect to the one of the other accounts.

32. (Amended) The method of Claim 30, further comprising:

[E.] generating a different invoice for the calling line number account, the different invoice indicating the execution of the transaction with respect to the one of the other accounts.

33. (Amended) The method of Claim 32, wherein the different invoice further indicates a different message [with respect] relating to the transaction conducted with respect to the one of the other accounts.

34. (Amended) In a telecommunications system functionally interconnecting a service switching point, a service control point, and an intelligent network element, and the telecommunications system including a billing system functionally connected at least to the service control point for retrieval of billing messages, the billing system including accounts for conducting transactions, a method for using a communication to conduct a transaction with respect to an account, comprising:

[A.] receiving the communication at the service switching point, the communication being associated with a calling line number;

[B.] causing the service switching point to [route] obtain instructions regarding the communication [to the intelligent network element] from a service control point;

[C.] based on the instructions from the service control point, causing the [intelligent network element] service switching point to obtain an account number and a transaction amount from the communication,

the account number corresponding to the account with respect to which the transaction is to be conducted in the billing system;

[D.] in response to obtaining the account number and the transaction amount, causing the [intelligent network element] service switching point to provide the account number, the transaction amount, and the calling line number associated with the communication to the service control point;

[E.] in response to receipt of the account number, the transaction amount, and the calling line number, causing the service control point to make an assignment of the account number, the transaction amount, and the calling line number [available] to a billing message [to the billing system] by including the account number, the transaction amount, and the [callin] calling line number in [a] the billing message and by posting the billing message for obtaining by the billing system; and

[F.] causing the billing system to retrieve the billing message from the service control point,

[i.] to [obtain] note the assignment of the account number, the transaction amount, and the calling line number [by obtaining] to the billing message [posted by the service control point], and

[ii.] based on the assignment, to conduct the transaction in the billing system with respect to the account associated with the account number by crediting or debiting the account by at least the transaction amount[,

whereby the transaction is conducted by the billing system by using the account number and the transaction amount provided by the communication and made available to the billing system by the intelligent network element and the service control point in order to credit the account corresponding to the account number in the billing system by at least the transaction amount].

35. (New) A method for executing a transaction, comprising:
receiving a communication associated with a calling line number;
obtaining a transaction amount from the communication;
coding the transaction amount and the calling line number into a billing message;
posting the billing message;
obtaining the billing message, and decoding the transaction amount and the calling line number from the billing message; and
crediting or debiting an account associated with the calling line number by the transaction amount.

36. (New) A system for allowing a user to initiate a transaction and have the transaction conducted, comprising:
a service switching point (SSP)
for receiving a communication from the user, and
for obtaining and acting on instructions regarding the communication;
a service control point (SCP)

for providing the instructions regarding the communication to the SSP,
the instructions instructing the SSP to retrieve transaction information and to forward
the transaction information to the SCP,

for including the transaction information in a billing message by
assigning the transaction information to at least a field of the billing message, and

for posting the billing message for retrieval by a billing system; and
the billing system

for retrieving the billing message,

for recognizing the transaction information in the billing message, and

based on the recognition, for conducting the transaction based on the
transaction information.

37. (New) The system of Claim 36, wherein the transaction information
comprises a transaction amount and an account number;

wherein the SCP is operative to code the transaction amount into a field of the
billing message and the account number into another field of the billing message; and

wherein the billing system is operative to decode the transaction amount from
the field of the billing message and account number from the another field, and to
credit or debit an account associated with the account number by the transaction
amount.